

**LEE LITIGATION GROUP, PLLC**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GIUSEPPE DIPALMA, on behalf of himself and  
others similarly situated,

Plaintiff,

v.

NEW RESTART INC. d/b/a TAORMINA, NEW  
ORGANICO INC. d/b/a ORGANIKA, SUD123  
INCORPORATED d/b/a CIAO, LOCAL 92 INC.  
d/b/a LOCAL 92, MARCELLOASSANTE  
DICUPILLO, ZEHUA DICUPILLO and ZEHAVA  
AMIEL,

Defendants.

No. 15 Civ. 9753

**NOTICE OF PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT  
CLASS, APPOINTMENT OF PLAINTIFF’S COUNSEL AS CLASS COUNSEL, AND  
APPROVAL OF PLAINTIFF’S PROPOSED NOTICE OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiff’s Motion for Preliminary Approval of the Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiff’s Counsel as Class Counsel, and Approval of Plaintiff’s Proposed Notice of Settlement (“Motion for Preliminary Approval”), and the Declaration of C.K. Lee in Support of Plaintiff’s Motion for Preliminary Approval (“Lee Declaration”), Plaintiff respectfully requests that the Court enter an Order:

- (1) granting preliminary approval of the Joint Stipulation of Settlement and Release (“Settlement Agreement”), Decl. of C.K. Lee (“Lee Decl.”) Ex. A;
- (2) certifying the proposed class for settlement purposes;
- (3) appointing Lee Litigation Group, PLLC (“Lee Litigation Group”) (“Plaintiff’s Counsel”) as Class Counsel;
- (4) approving the proposed Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing, Lee Decl. Ex. B;
- (5) appointing Advanced Litigation Strategies, LLC as Settlement Administrator; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

\* \* \*

Plaintiff has contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court’s convenience.

Dated: March 30, 2018  
New York, New York

Respectfully submitted,

By: /s/ C.K. Lee  
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*Attorneys for Plaintiff and the Class*